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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES – Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF THE APPLICATION
OF SULPHUR SPRINGS VALLEY
ELECTRIC COOPERATIVE, INC. FOR A
HEARING TO DETERMINE THE FAIR
VALUE OF ITS PROPERTY FOR
RATEMAKING PURPOSES, TO FIX A
JUST AND REASONABLE RETURN
THEREON, TO APPROVE RATES
DESIGNED TO DEVELOP SUCH
RETURN AND FOR RELATED
APPROVALS.

DOCKET NO. E-01575A-08-0328

RESPONSE TO MOTION TO
MODIFY/EXPEDITE
PROCEDURAL SCHEDULE

INTRODUCTION

Sulphur Springs Valley Electric Cooperative ("SSVEC") has
petitioned the Arizona Corporation Commission ("ACC" or "Commission") to issue an
order to amend the procedural schedule set forth in the Procedural Order dated
December 15, 2009 by the Administrative Law Judge. SSVEC has again requested the
schedule be expedited so that the hearing in the Rehearing and Reconsideration Matter
commence on or before March 9, 2010.

Arizona Corporation Commission

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1 **BACKGROUND AND PROCEDURAL HISTORY**

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3 Pursuant to Procedural Order dated December 15, 2009, the procedural
4 schedule was established in the Rehearing and Reconsideration Case as follows:

- 5 1. A **hearing** to commence on **May 18, 2010** or as soon thereafter as practical
6 2. A **pre-hearing conference** shall be held on **May 13, 2010**.
7 3. **Direct rehearing testimony** and associated exhibits presented as hearing on
8 behalf of SSVEC, Staff and Intervenors shall be reduced to writing and filed on or
9 before **March 12, 2010**.
10 4. **Responsive rehearing testimony** and associated exhibits be presented at
11 hearing shall be reduced in writing and filed on or before **April 16, 2010**.
12 5. **Reply rehearing testimony** and associated exhibits to be presented shall be
13 reduced to writing and filed on or before **May 7, 2010**.

14 During this period of time, SSVEC was also ordered to conduct Public
15 Forums in the communities affected by the construction of the 69kV line to *"include an*
16 *opportunity for community members' discussion on the feasibility study, including*
17 *alternatives prior to construction of the project."*

18 [Decision No. 71274, page 39.]
19

20 **ARGUMENTS AGAINST EXPEDITING THE PROCEDURAL SCHEDULE**

21
22 The schedule proposed by SSVEC's is impossible to meet. They propose that
23 the Intervention Deadline be February 8, 2010 with Direct Testimony of All Parties on

1 February 16, 2010. Should an individual request intervention on February 8, 2010,
2 there is **NO** time for discovery.

3 SSVEC's motion states that *"The hearing in this matter should be expedited in*
4 *light of the independent study's findings and the outages that have and will continue to*
5 *occur within the affected areas"*.

6 As stated in Intervenor Susan Scott's motion dated January 21, 2010, **Response**
7 **in Opposition to the Petition to Amend Decision No. 71274 Pursuant to A.R.S.**
8 **§40-252 and for Related Authorization**, *"Truncating the process before the public*
9 *forums are held negates the effort and expense of the Feasibility Study. SSVEC's*
10 *petition further demonstrates its continued refusal to engage the community in any*
11 *meaningful dialogue over issues that impact residents for years to come."*

12 [Page 3, January 21, 2010 Response]

13 Also stated in the January 21, 2010 Response, there are many statements in the
14 Feasibility Study that require further explanation and analysis. Expediting the
15 procedural schedule would completely negate the opportunity for community members
16 to have any input into the project.

17 Extremely high winds occurred on December 8 and December 23, 2009. Wind
18 related outages will continue to impact the line regardless if a 69kV line is constructed.

19 **CONCLUSION AND RECOMMENDATION**

20 Again SSVEC has not demonstrated a compelling reason for accelerating the
21 hearing by two months. The process outlined by the Commission should go forward
22 allowing for Public Hearings on the Feasibility Study, allowing for individuals to
23 intervene and have an opportunity for discovery.

1 It is recommended by Intervenor Scott that SSVEC's motion to to
2 modify/expedite procedural schedule be denied.

3
4 Copies have been mailed this date to the Commission and to all parties.

5
6 Respectfully submitted this 25th day of January 2010

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8
9 Intervenor Susan Scott

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12 
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